

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC,)
AMO MANUFACTURING USA, LLC,)
and AMO SALES AND SERVICE,)
INC.,)

Plaintiffs,)

v.)

C.A. No. 20-842-CFC-JLH

ALCON VISION, LLC, ALCON)
LABORATORIES, INC., and ALCON)
RESEARCH, LLC,)

Defendants.)

ALCON, INC., ALCON RESEARCH,)
LLC and ALCON VISION, LLC,)

Counterclaim Plaintiffs,)

v.)

AMO DEVELOPMENT, LLC,)
AMO MANUFACTURING USA, LLC,)
AMO SALES AND SERVICE, INC.)
and JOHNSON & JOHNSON)
SURGICAL VISION, INC.,)

Counterclaim Defendants.)

**ALCON’S MOTION FOR SUMMARY JUDGMENT (NO. 3) THAT
LACHES BARS J&J’S CLAIM FOR DISGORGEMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Alcon Vision, LLC, Alcon Laboratories, Inc., and Alcon Research, LLC (“Alcon”) respectfully move for summary judgment on Plaintiffs AMO Development, LLC, AMO Manufacturing USA, LLC, and AMO Sales and Service, Inc.’s (“J&J”) claim for disgorgement, on the grounds that that claim is barred by the doctrine of laches. The grounds for this motion are fully set forth in Alcon’s Brief in Support of its Motion for Summary Judgment (No. 3) That Laches Bars J&J’s Claim for Disgorgement, and a proposed order is attached hereto.

WHEREFORE, Alcon respectfully requests that the Court grant this Motion and enter the proposed order attached hereto.

Respectfully submitted,

/s/ Andrew E. Russell

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Dated: August 19, 2022

CERTIFICATE OF SERVICE

I, Andrew E. Russell, hereby certify that on August 19, 2022, this document was served on the persons listed below in the manner indicated:

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